

# News Release

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**FOR IMMEDIATE RELEASE**

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## Attorney General Wins Age Discrimination Lawsuit

(Phoenix, AZ—June 12, 2003) Attorney General Terry Goddard announced today that the Superior Court has found that the Phoenix Union High School District discriminated against a group of older employees by paying them less money to substitute teach than younger employees.

After a two-day trial in late January, 2003 and several post-trial hearings, the Court entered judgment in favor of the State. The judgment awards back pay to testifying employees, declares the pay scale discriminatory and requires the District to provide an equal pay rate in the future.

This case revolves around three buyout plans in which Phoenix Union offered long-term employees the opportunity to terminate their employment with the District in exchange for an annuity equal to the last year's salary payable in monthly installments over 8-10 years. Each of the Plans requires the employee to return to work each year during the annuity period to perform several days of teaching (or other comparable work) as a substitute. Based on a separate Early Retirement Program negotiated between the Classroom Teachers Association and the District, Plan participants under age 65 who retired were eligible for a heightened daily rate of pay of at least \$112.50 per day for all required or additional work. Plan participants who retired at age 65 or above (or who subsequently turned 65) were ineligible for the heightened rate of pay, and received only the regular guest teacher rate of pay, currently \$70.00 per day.

"This decision recognizes that older Arizonans are entitled to equal pay for equal work," said Goddard. "Older employees bring a lifetime of experience into the workforce, and these teachers bring that experience directly to the classroom to help educate our children."

The judgment awards \$32,990 in total gross pay among the seven testifying witnesses, which includes ten percent interest compounded annually for each year in which each employee was underpaid. The judgment also requires the District to pay the Early Retirement Program rate of pay in the future to all retired Plan participants, and reimburses the State for the costs of litigation.

Assistant Attorney General Gary Restaino litigated the case.